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51



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,697	07/30/2001	Peter C. Craig	PLI/0007	2200

498 7590 07/01/2002

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EXAMINER

PRICE, RICHARD THOMAS JR

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 07/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/918,697

Applicant(s)

CRAIG, PETER C.

Examiner

Thomas Price

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2002 and 28 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 9, 13, 17, 21, 25-28 and 30-33 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

- 6) ☒ Claim(s) 1-4, 9, 13, 17, 21, 25-28 and 30-33 is/are rejected.

- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 9, 17, 21 and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ota '929.

Ota teaches a collapsible cargo container and method or use which is structurally similar to the Applicant's claimed livestock pen for transporting livestock. More specifically, a platform based container open sided 24 formed with corner fittings to allow stacking of said rectangular platform based container open sided. A plurality of panels are erected on and connected to said platform based container open sided. However, Ota does not teach the use of an impermeable barrier installed in the enclosed area. Regarding claims 1 and 2, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the cargo container of Ota with an impermeable barrier in order to protect the cargo interior from any leaking items positioned within the cargo container and it allows for easy cleaning of the cargo interior. Regarding claims 3 and 4, the container of Ota includes at least four corner posts with said two side edges and said two end edges define four perimeter planar areas extending perpendicular to said base and from said top of said base. Further, at least one of plurality of panels erected on and connected to said rectangular platform

Art Unit: 3643

based container open sided. However, Ota does not teach the use a flange hook that anchors said panel to said rectangular platform based container open sided. Regarding claim 30, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the device of Ota for the transportation of animals, because it is well known that animals are moved around in cargo containers.

Claims 13 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ota as applied to claim 1 above, and further in view of Kardell '165. Kardell teaches a folding container which includes a plurality of panels connected to a base member. Each panels includes a flange hook that anchors said panel to said base member. Regarding claims 13 and 25, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the panel connection of Ota with a flange hook, in view of the teachings of Kardell, in order to allow the device to be easily disassembled and reassembled.

Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ota in view Kardell as applied to claim 25 above, and further in view of Johnson '854. The combination Ota as modified by Kardell does not teach the use of a winch assembly. Johnson teaches a cargo container in combination with a winch assembly. Regarding the claims, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide the combination Ota in view of Kardell, with a winch assembly, in view of the teachings of Johnson in order to assist in the movement of the panels from an assembled position to a disassembled position.

**Conclusion**

Summary: Claims 1-4, 9, 13, 17, 21, 25-28 and 30-33 are rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Price whose telephone number is 703-308-2694. The examiner can normally be reached on Mon, Tues, Thurs & Fri 6:30a.m. to 5:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 703-308-2574. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
Thomas Price  
Primary Examiner GAU: 3643

rtp  
June 17, 2002